



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
We make Indiana a cleaner, healthier place to live.

Joseph E. Kernan
Governor

Lori F. Kaplan
Commissioner

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Ms. Jo Lynn Traub
Director, Water Division
U.S. Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3590

February 25, 2004

Dear Ms. Traub:

A copy of 327 IAC 15-15 (and other related rules), Indiana's National Pollutant Discharge Elimination System (NPDES) General Permit Rule for Concentrated Animal Feeding Operations (CAFO) is enclosed (Enclosure 1). It is anticipated that this rule will become effective at the state level on March 24, 2004. At that time, it will replace versions of a Water Pollution Control Board Emergency NPDES General Permit Rule for CAFOs, which initially became effective in May 2003 and was most recently adopted on February 6, 2004.

The Indiana Department of Environmental Management (IDEM) understands that the U.S. Environmental Protection Agency must review revisions to Indiana's NPDES program. Today, we submit this rule for your formal review.

As you are aware, Indiana was the subject of a U.S. District Court decision requiring that Indiana establish coverage under NPDES for CAFOs within Indiana on an aggressive timeframe. Indiana has complied with that court order through the Emergency rulemaking and with the establishment of 327 IAC 15-15.

IDEM greatly appreciates the input and assistance from U.S. EPA staff members in the development of the NPDES General Permit Rule. Our staff is confident that the rule is consistent with the provisions of 40 CFR Parts 9, 122, 123 and 412, as amended in 2003. We are available to work with you and your staff during further review.

The status of Indiana's identified CAFOs with respect to compliance with the NPDES General Permit Rule (last established by emergency rule effective February 6th, 2004) follows:

- 244 CAFOs have submitted NOIs under the Emergency Rule
- 183 CAFOs have submitted exemptions under the Emergency Rule
- 46 CAFOs have submitted individual NPDES permit applications
- 27 potential CAFOs are still under review

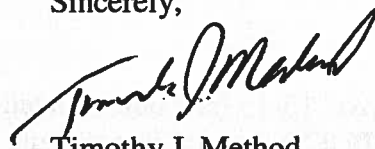
The status of each previously identified potential CAFO in Indiana is included as Enclosure 2.

IDEM will be notifying CAFOs that have already submitted Notices of Intent under the Emergency Rule that they must supplement their notice with any additional information required by the NPDES General Permit Rule.

IDEM has established an effective regulatory program for all confined feeding operations within the state, including CAFOs. We look forward to working with U.S. EPA in addressing any consistency issues between Indiana's program and U.S. EPA regulations.

If there are any questions related to this correspondence, please contact me at 317-233-3706 (tmethod@dem.state.in.us), Bruce Palin, Deputy Assistant Commissioner for the Office of Land Quality at 317-233-6591 (bpalin@dem.state.in.us) or Nancy King, Chief of the Rules and Legislation Section in our Office of Legal Counsel, 317-232-7694 (nking@dem.state.in.us).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy J. Method", is written over the typed name.

Timothy J. Method
Deputy Commissioner

Enclosures